

PATRICK H. HICKS, ESQ., Bar #04632
KELSEY E. STEGALL, ESQ., Bar #14279
LITTLER MENDELSON, P.C.
3960 Howard Hughes Parkway
Suite 300
Las Vegas, NV 89169-5937
Telephone: 702.862.8800
Fax No.: 702.862.8811
Email: phicks@littler.com
Email: kstegall@littler.com

Attorneys for Defendants
AHERN RENTALS, INC.
AX TRANSPORTATION LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH FANK, on behalf of himself
and all other similarly situated,

Plaintiff,

vs.

AHERN RENTALS, INC.; AX
TRANSPORTATION LLC; DOES 1-10;
and ROE CORPORATIONS 11-20,
inclusive,

Defendants.

Case No. 2:20-cv-00996-KJD-VCF

**STIPULATION AND ORDER TO (1)
DISMISS INCORRECT DEFENDANT
ENTITY WITHOUT PREJUDICE AND (2)
AMEND THE CASE CAPTION**

Defendants Ahern Rentals, Inc. ("Ahern"), and AX Transportation LLC ("AXT"), and Plaintiff Kenneth Fank ("Plaintiff"), by and through their respective counsel of record, hereby stipulate as follows:

Plaintiff served AXT on May 14, 2020. Plaintiff was employed by AXT during the time period of the events alleged in his Complaint, but erroneously named "Ahern Rentals, Inc." as a Defendant. Defendants' responsive pleading is due to the Court on July 10, 2020. In the interest of judicial economy, and to avoid the unnecessary time and cost of motion practice, the parties have agreed to correct this mistake by dismissing without prejudice all Defendants except Defendant AXT, and correcting the caption to only reflect this entity.

1 Defendant AXT stipulates, agrees, and states that it was Plaintiff's employer for the time period
 2 alleged in the Complaint. This stipulation is made solely for the purposes of identifying the correct
 3 Defendant-employer entity (Plaintiff's former employer), and nothing in this stipulation is to be
 4 construed as an admission of liability or of any allegations in the Complaint, nor as a responsive
 5 pleading to the Complaint.

6 Thus, the Parties have stipulated to the following:

7 1. That all currently named Defendants except Defendant AX Transportation LLC be
 8 dismissed from this action without prejudice; and

9 2. That the caption be revised to reflect AX Transportation LLC as the sole remaining
 10 Defendant.

11 This request is to save the Parties the time and expense of motion practice to name the proper
 12 Defendant and to correct the caption. This request is made in good faith, is in the interest of judicial
 13 economy, and is not for the purpose delay.

14
 15 Dated: July 2, 2020

16 GABROY LAW OFFICES

17 /s/ Christian Gabroy

18 Christian Gabroy, Bar #8805
 19 Kaine Messer, Bar #14240
 20 170 South Green Valley Parkway #280
 Henderson, NV 89012
 Attorneys for Plaintiff

Dated: July 2, 2020

LITTLER MENDELSON, P.C.

17 /s/ Kelsey E. Stegall

Patrick H. Hicks, Esq., Bar #4632
 Kelsey E. Stegall, Esq., Bar #14279
 3960 Howard Hughes Parkway, #300
 Las Vegas, NV 89169
 Attorneys for Defendant
 AX Transportation LLC

22 IT IS SO ORDERED:

26 UNITED STATES DISTRICT JUDGE

27 DATED: _____